

## DEPARTMENT OF HEALTH

**NOTICE OF PROPOSED RULEMAKING**

The Interim Director of the Department of Health, pursuant to the authority set forth in § 4 of the Immunization of School Students Act of 1979, effective September 28, 1979 (D.C. Law 3-20; D.C. Official Code § 38-503), Mayor's Order 2006-117, dated September 5, 2006, § 1 of An Act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408, ch. 601, § 1; D.C. Official Code § 7-131), and § 2 of Mayor's Order 98-141, dated August 20, 1998, hereby gives notice of his intent to adopt the following amendments to Chapter 1 of Title 22 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

These rules will require health care providers to report the administration of all vaccines recommended by the Advisory Committee on Immunization Practices (ACIP) for vaccine-preventable diseases, revise the required immunizations for school students by including vaccines that have been approved by the federal Food and Drug Administration since February 1, 1991, and update the procedures for administering vaccines already listed.

**Chapter 1 of Title 22 DCMR (Public Health & Medicine) (August 1986) is amended as follows:**

**I. A new section 129 is added to read as follows:**

**129 IMMUNIZATION: REPORTS AND GENERAL PROVISIONS**

**129.1** Each health care provider shall report to the Department each active immunization recommended in the United States by the ACIP that he or she administers to a person twenty six (26) years of age or younger, within seven (7) days of administering the vaccination. Each health care provider shall report the information required by this subsection in the manner and form the Department prescribes. Each report shall include the following information:

- (a) Demographic information for each person vaccinated, including:
  - (1) The person's full name, including any suffix, nickname, or alternate surname that may apply;
  - (2) The person's date of birth and, for newborn's, the name of the hospital that delivered the newborn;
  - (3) The person's social security number, if applicable;
  - (4) The person's Medicaid number, if applicable;

- (5) The name of the person's parent or guardian, if the person is younger than eighteen (18) years of age;
  - (6) The person's address;
  - (7) The person's phone number;
  - (8) The person's race or ethnicity;
  - (9) The person's insurance status and the name of the insurer, if applicable; and
  - (10) The person's gender.
- (b) Active immunization data, including:
- (1) The type of each vaccine administered;
  - (2) The date the vaccine was administered;
  - (3) The manufacturer and lot number of the vaccine;
  - (4) Verification that the vaccine information statement was given to the recipient of the vaccine and the publication date of the vaccine information statement for the vaccine given;
- (c) Provider information, including:
- (1) The provider's name;
  - (2) The provider's address;
  - (3) The provider's phone number; and
  - (4) The name of the person who administered the vaccine; and
- (d) Medical and clinical information, including:
- (1) Any adverse reaction to active immunization;
  - (2) Information about medical contraindications, including:
    - (A) Whether contraindication is temporary or permanent; and
    - (B) The antigen for which there was a contraindication;

- (3) Information about exemption from vaccination, including:
  - (A) Reason for the exemption;
  - (B) The antigen for which the exemption applies;
  - (C) The date the exemption expires, if applicable;
- (4) Copy of laboratory results as evidence of immunity; and
- (5) Varicella disease status including certification of infection with varicella that includes either:
  - (a) A copy of laboratory results indicating varicella disease or immunity to varicella; or
  - (b) A health care provider's diagnosis or verified history of varicella or herpes zoster disease that includes the month and year of the disease.

129.2 Each of the following entities shall report the active immunization history of an individual to the Department within 7 days of the vaccine administration date in the manner and form the Department prescribes:

- (a) Each health care provider, hospital, clinic, or other facility where a vaccine may be administered shall report the past active immunization history of each person receiving new vaccinations after the effective date of this subsection;
- (b) Each public, private, parochial, or charter school shall report active immunization records for each student currently enrolled in the school; and
- (c) Each child development facility shall report active immunization data for each child currently enrolled in the child development facility.

129.3 A post-secondary institution is not required to report active immunization, but the Department encourages reporting of active immunization for students currently enrolled in the school.

129.4 Information disclosed to the Department pursuant to §§ 129.1 and 129.3 shall be kept confidential and shall not be used or disclosed to a third party, except as provided in this subsection. The Department may use and disclose information received pursuant to this section to safeguard the physical health of others as follows:

- (a) The Department may use patient-specific immunization information to produce aggregate immunization coverage reports;
- (b) The Department may use immunization information to produce official immunization records for individuals;
- (c) The Department may use or disclose individually identifiable immunization information without the consent of the person to whom the information pertains to notify the following individuals or entities of due dates for immunizations or missed or overdue immunizations according to the schedule recommended by the Advisory Committee on Immunization Practices (ACIP) to the following:
  - (1) The person;
  - (2) The person's parent or guardian;
  - (3) The person's health care provider or insurer;
  - (4) A child development facility in which the person is enrolled;
  - (5) A school in which the person is enrolled; and
- (d) Except as provided in subsections (a) through (c), the Department may disclose a person's individually identifiable information to a third party only with the written consent of the person, or the person's parent or guardian if the person is under eighteen (18) years of age or an unemancipated adult.

129.5 Notwithstanding the requirements of §§ 130 through 154 specifying minimum and maximum intervals between administration of vaccinations, a vaccine administered four (4) days or less than the minimum interval or age shall be a valid dose. This subsection shall not apply to the minimum intervals between live antigen vaccinations, including:

- (a) Measles, mumps, rubella (MMR); and
- (b) Varicella.

129.6 A vaccine administered five (5) or more days before the minimum interval or age shall not be counted as a valid dose and shall be repeated as age- and interval-appropriate. The repeat dose shall be spaced after the invalid dose by the recommended minimum interval as provided in §§ 130 through 154.

- 129.7 A combination vaccine may be administered as an alternate for any dose of the vaccine series for which it is licensed.

**II. Sections 130 through 137 are amended to read as follows:**

**130 REQUIRED IMMUNIZATIONS FOR STUDENTS UNDER SEVEN (7) YEARS OF AGE**

- 130.1 Before a child under seven (7) years of age enters school or a child development center, the parent or guardian of the child shall have the child immunized according to the requirements in sections 131 through 137. The doses of immunization shall follow these regulations or the recommendations of the ACIP published after the date of these regulations. The Director strongly recommends that a parent or guardian of a child who does not attend a school or child development center immunize the child in the same manner required for children who do attend a school or child development center.

**131 DIPHTHERIA, TETANUS, WHOLE-CELL OR ACCELLULAR PERTUSSIS**

- 131.1 The first dose of diphtheria, tetanus, whole-cell pertussis (DTP) or diphtheria, tetanus, acellular pertussis (DTaP) shall be administered not earlier than six (6) weeks of age and not later than two (2) months of age.

- 131.2 The second dose of DTP or DTaP shall be administered not earlier than four (4) weeks after the first dose and not later than two (2) months after the first dose.

- 131.3 The third dose of DTP or DTaP shall be administered not earlier than four (4) weeks after the second dose and not later than two (2) months after the second dose.

- 131.4 A fourth dose of DTP or DTaP shall be administered:

- (a) Not earlier than six (6) months after the third dose;
- (b) Not earlier than twelve (12) months of age; and
- (c) By nineteen (19) months of age.

- 131.5 A booster, or fifth dose of DTP or DTaP, shall be administered:

- (a) Not earlier than six (6) months after the previous dose;
- (b) Not earlier than four (4) years of age; and

- (c) Not later than the fifth birthday.
- 131.6 A fifth dose of DTP or DTaP shall not be required for a student who received the fourth dose on or after four (4) years of age.
- 131.7 Any licensed DTaP or DTP vaccine or combination vaccine may be administered as an alternate for any dose of the series for which it is licensed.
- 131.8 For a student under seven (7) years of age, pediatric diphtheria tetanus (DT) vaccine may be administered instead of DTaP or DTP only when the provider follows current acceptable guidelines for valid contraindications for pertussis vaccine, as recommended by the ACIP. If DT is administered instead of DTaP or DTP, a physician or Advance Practice Nurse shall also provide a signed medical exemption request for pertussis to the student's parent or guardian for the certification required by D.C. Official Code § 38-502.
- 131.9 If a student receives pediatric DT instead of DTaP or DTP, the number and timing of the doses needed to complete the DT series shall be as follows:
- (a) If the first dose of DT is administered at twelve (12) months of age or younger, four (4) doses shall be administered, with the remaining three (3) doses being given according to the schedule stated in §§ 131.2 to 131.4;
  - (b) If the first dose of DT is administered after twelve (12) months of age, three (3) doses shall be administered. The second dose shall be administered no earlier than four (4) weeks after the first dose but not later than two (2) months after the first dose. The third dose shall be administered six (6) months after the second dose; and
  - (c) If the third or fourth dose of DT was administered before four (4) years of age, the student shall have a booster dose at age four (4) and not later than five (5) years of age.
- 132 ORAL OR INACTIVATED POLIO (OPV or IPV)
- 132.1 Each student under seven (7) years of age who receives his or her primary immunization shall have either oral poliovirus vaccine (OPV) or inactivated polio vaccine (IPV) administered according to §§ 132.2 to 132.6.
- 132.2 The first dose shall be administered no earlier than six (6) weeks of age

and not later than two (2) months of age.

- 132.3 The second dose shall be administered no earlier than four (4) weeks after the first dose and not later than two (2) months after the first dose.
- 132.4 The third dose shall be administered two (2) months after the second dose and by nineteen (19) months of age, but no earlier than four (4) weeks after the second dose.
- 132.5 A supplementary fourth dose shall be administered at four (4) years of age and by the fifth birthday, but no earlier than four (4) weeks after the third dose. If the third dose of a primary series of all OPV or all IPV was given on or after four (4) years of age, a fourth dose shall not be required. If the fourth dose was given before four (4) years of age and not earlier than four (4) weeks after the third dose, no additional dose shall be required.
- 132.6 If a combination of OPV and IPV doses are administered as part of a series, a total of four (4) doses shall be administered, regardless of the student's present age or the student's age at administration of the primary series. The fourth dose shall be administered no earlier than four (4) weeks after the third dose.
- 133 MEASLES, MUMPS, RUBELLA (MMR)
- 133.1 The first dose of measles, mumps, and rubella (MMR) vaccine shall be administered no earlier than twelve (12) months of age and not later than sixteen (16) months of age.
- 133.2 The second dose of MMR shall be administered at four (4) years of age and by the fifth birthday, but no earlier than twenty-eight (28) days after the first dose. The Department recommends administration of the second dose at the next pediatric visit after the first dose, but no earlier than twenty-eight (28) days after the first dose.
- 133.3 If single antigen measles, mumps, and rubella vaccines are used, two (2) doses of each vaccine shall be administered, with a minimum interval of twenty-eight (28) days between dose (one) 1 and dose (two) 2. A dose of MMR, Varicella, one of the single-antigen measles, mumps, rubella, or any other live parenteral vaccines shall not be administered less than twenty-eight (28) days apart, unless administered on the same day.
- 134 HAEMOPHILUS INFLUENZA TYPE B (Hib)
- 134.1 The first dose of Haemophilus influenza type B (Hib) shall be administered no earlier than six (6) weeks of age and not later than two (2) months of age.

- 134.2 The second dose of Hib shall be administered no earlier than one (1) month after the first dose and not later than two (2) months after the first dose.
- 134.3 The third dose of Hib shall be administered no earlier than one (1) month after the second dose and not later than two (2) months after the second dose. The third dose shall not be required, if the PRP-OMP (PedvaxHIB) vaccine was administered for the first and second doses.
- 134.4 If different brands of licensed Hib conjugate vaccines are administered for the first two (2) doses, a total of three (3) doses shall be required to complete the primary series. Any combination of licensed Hib conjugate vaccines for use in infants may be administered to complete the primary series.
- 134.5 A booster dose of Hib shall be administered no earlier than two (2) months after the previous dose and at twelve (12) months of age and by sixteen (16) months of age.
- 134.6 An unvaccinated infant between the ages of seven (7) and eleven (11) months shall receive two (2) doses of Hib to complete the primary series, administered no earlier than one (1) month apart but not later than two (2) months apart. A booster dose shall be administered no earlier than two (2) months after the previous dose at twelve (12) months of age and by sixteen (16) months of age.
- 134.7 An undervaccinated infant between the ages of seven (7) and eleven (11) months shall complete the series according to the requirements of §§ 134.2, 134.3, and 134.5.
- 134.8 An unvaccinated or undervaccinated infant between twelve (12) and fourteen (14) months of age shall receive one (1) dose of Hib, followed by a booster dose. The booster dose shall be administered two (2) months after the previous dose.
- 134.9 An unvaccinated student between fifteen (15) months and five (5) years of age shall receive a single dose of Hib. A booster dose shall not be required.
- 134.10 The Hib vaccine shall not be required for a student five (5) years of age or older regardless of Hib vaccination status.
- 135 HEPATITIS B
- 135.1 The first dose of hepatitis B is recommended at birth, but shall be administered not later than two (2) months of age.

- 135.2 If the first dose of hepatitis B is administered between birth and one (1) month of age, the second dose shall be administered no earlier than one (1) month after the first dose at two (2) months of age and by five (5) months of age.
- 135.3 The third dose shall be administered no earlier than two (2) months after the second dose and not earlier than 24 weeks of age, at least four (4) months after the first dose, and by nineteen (19) months of age.
- 135.4 If the first dose is administered at two (2) months of age or later, the second dose shall be administered two (2) months after the first dose, but no earlier than one (1) month after the first dose. The third dose shall be administered no earlier than two (2) months after the second dose but not earlier than twenty-four (24) weeks of age, and it shall be administered at least four (4) months after the first dose and by nineteen (19) months of age.
- 136 VARICELLA (Chickenpox)
- 136.1 The first dose of varicella is recommended at twelve (12) months of age, but shall be administered not earlier than twelve (12) months of age and by sixteen (16) months of age. A dose of MMR, varicella, one of the single-antigen measles, mumps, rubella, or any other live parenteral vaccine shall not be administered less than twenty-eight (28) days apart, unless administered on the same day.
- 136.2 Beginning September 1, 2008, a second dose of varicella shall be administered at four (4) years of age and by the fifth birthday. An interval of three (3) months is recommended between each dose of varicella-containing vaccine given between twelve (12) months and twelve (12) years of age. If the second dose was given twenty-eight (28) days or more after the first dose, the second dose does not need to be repeated. A dose of MMR, varicella, one of the single-antigen measles, mumps, rubella, or any other live parenteral vaccine shall not be administered less than twenty-eight (28) days apart, unless administered on the same day.
- 136.3 The varicella vaccination shall not be required for a student who has written certification of infection with varicella that includes either:
- (a) Copy of laboratory results as evidence of varicella disease or immunity to varicella; or
  - (b) A health care provider's diagnosis or verified history of varicella or herpes zoster disease that includes the month and year of the disease.
- 137 PNEUMOCOCCAL CONJUGATE 7-VALENT VACCINE (PCV7)

- 137.1 Beginning September 1, 2008, pneumococcal conjugate 7-valent vaccine (PCV7) shall be required for all students under the age of five (5) years.
- 137.2 The first dose of PCV7 shall be administered no earlier than six (6) weeks of age and not later than two (2) months of age.
- 137.3 The second dose of PCV7 shall be administered no earlier than one (1) month after the first dose and not later than two (2) months after the first dose.
- 137.4 The third dose of PCV7 shall be administered no earlier than one (1) month after the second dose and not later than two (2) months after the second dose.
- 137.5 A booster dose of PCV7 shall be administered not earlier than two (2) months after the previous dose and not later than twelve (12) months of age and by sixteen (16) months of age.
- 137.6 An unvaccinated student between seven (7) and eleven (11) months of age shall receive two (2) doses of PCV7 to complete the primary series, administered no earlier than one (1) month apart but not later than two (2) months apart. A booster dose shall be administered no earlier than two (2) months after the previous dose at twelve (12) months of age and by sixteen (16) months of age.
- 137.7 An undervaccinated student between seven (7) and eleven (11) months of age who has received one (1) or two (2) doses of PVC7 before age seven (7) months, shall receive one (1) dose administered no earlier than one (1) month after the previous dose but not later than two (2) months after the previous dose. A booster dose shall be administered no earlier than two (2) months after the previous dose at twelve (12) months of age and sixteen (16) months of age.
- 137.8 An unvaccinated student between twelve (12) and twenty-three (23) months of age shall receive two (2) doses of PCV7 administered two (2) months apart.
- 137.9 An undervaccinated student between twelve (12) and twenty-three (23) months of age who has received one (1) dose of PCV7 before twelve (12) months of age shall receive two (2) doses administered two (2) months apart.
- 137.10 An undervaccinated student between twelve (12) and twenty-three (23) months of age who has received one (1) dose of PCV7 on or after age twelve (12) months shall receive one (1) dose of PCV7 administered two (2) months after the previous dose.

- 137.11 An undervaccinated student between twelve (12) and twenty-three (23) months of age, who has received two (2) or three (3) doses of PCV7 before age twelve (12) months, shall receive one (1) dose two (2) months after the previous dose.
- 137.12 An unvaccinated student twenty-four (24) months of age or older but not yet five (5) years of age shall receive a single dose of PCV7. A booster dose shall not be required.
- 137.13 An undervaccinated student twenty-four (24) months of age or older but not yet five (5) years of age who has an incomplete schedule shall receive one (1) dose of PCV7 two (2) months after the previous dose.
- 137.14 The PCV7 vaccine shall not be required for a student five (5) years of age or older regardless of PCV7 vaccination status.

**III. A new section 138 is added to read as follows:**

**138 HEPATITIS A**

- 138.1 Beginning September 1, 2009, two (2) doses of hepatitis A vaccine shall be administered to each student born on or after January 1, 2005.
- 138.2 The first dose of hepatitis A shall be administered no earlier than twelve (12) months of age and by twenty-four (24) months of age.
- 138.3 The second dose of hepatitis A shall be administered not earlier than six (6) months and not later than twelve (12) months after the first dose and by thirty-five (35) months of age.
- 138.4 An unvaccinated or undervaccinated student more than twenty-four (24) months of age and less than age seven (7) shall receive two (2) doses of hepatitis A vaccine administered not less than six (6) months apart and not later than twelve (12) months after the first dose.

**IV. Sections 140 through 145 are amended to read as follows:**

**140 REQUIRED IMMUNIZATIONS FOR STUDENTS BETWEEN SEVEN (7) YEARS OF AGE AND SEVENTEEN (17) YEARS OF AGE**

- 140.1 A student seven (7) years of age or older and not yet eighteen (18) years of age shall receive immunizations before entry into a school, child care facility, or post high school program according to the requirements of §§ 141 through 145. Doses of immunizations shall be spaced according to these rules or the recommendations of the federal Advisory Committee on Immunization Practices (ACIP) published after the date of these rules.

- 141 TETANUS, DIPHTHERIA (Td); TETANUS, DIPHTHERIA, ACCELLULAR PERTUSSIS (Tdap)
- 141.1 A student who has not received primary immunization for tetanus, diphtheria and pertussis by seven (7) years of age shall receive tetanus, diphtheria (Td)-containing vaccine as follows:
- (a) Until September 1, 2008, each student shall receive a total of three (3) doses of Td-containing vaccine. The first and second doses shall be administered not less than four (4) weeks and not more than eight (8) weeks apart. The third dose shall be administered not less than six (6) months and not more than seven (7) months after the second dose. It is recommended that one dose be Tdap vaccine for students eleven (11) years of age or older.
  - (b) After September 1, 2008, the student shall receive a total of three (3) doses of Td-containing vaccine. The first and second doses shall be administered not less than four (4) weeks and not more than eight (8) weeks apart. The third dose shall be administered not less than six (6) months and not more than seven (7) months after the second dose. Tdap shall be administered in place of one (1) dose Td-containing vaccine, preferably the first dose, for students eleven (11) years of age or older.
- 141.2 DTP, DT, or DTaP doses administered before age seven (7) may satisfy § 141.1, unless given before the appropriate age or at less than the required minimum interval between doses. If the last dose of DT-containing vaccine was given before four (4) years of age, one additional dose of Td or Tdap shall be administered.
- 141.3 Beginning September 1, 2008, if the last dose of the primary DT-containing immunization series or booster was administered before age seven (7), a Tdap booster dose shall be administered no sooner than five (5) years after the previous dose at eleven (11) years of age, but no later than the twelfth (12) birthday. If the last dose of the primary DT-containing immunization series or booster was administered on or after age seven (7), a Tdap booster dose shall be administered no earlier than five (5) years and not later than six (6) years after the last DT-containing immunization.
- 141.4 A Td or Tdap-containing booster shall be administered at ten (10) years and by eleven (11) years after the primary series or the last booster. Tdap shall be used for one (1) dose beginning September 1, 2008.
- 142 ORAL OR INACTIVATED POLIO (OPV or IPV)

- 142.1 A student who has not received a primary immunization with an all IPV or all OPV series shall receive a total of three (3) vaccine doses. Each dose shall be administered not less than four (4) weeks apart.
- 142.2 OPV or IPV doses administered before the age of seven (7) may satisfy § 142.1, unless given before the appropriate age or at less than the required minimum interval between doses.
- 142.3 If a combination of OPV and IPV doses are administered as part of a series, a total of four (4) doses are required, regardless of current age or age at administration of primary series. The fourth dose shall be administered no earlier than four (4) weeks and not later than eight (8) weeks after the third dose.
- 142.4 For each student eighteen (18) years of age or older, the polio immunization vaccine is recommended but not required.
- 143 MEASLES, MUMPS, RUBELLA (MMR)
- 143.1 For a student who has not received a primary immunization, two (2) doses shall be administered. The second dose shall be administered not earlier than twenty-eight (28) days and not later than eight (8) weeks after the first dose.
- 143.2 MMR doses administered before the age of seven (7) may satisfy § 143.1, unless given before twelve (12) months of age or at an interval of less than twenty-eight (28) days between doses.
- 143.3 If single antigen measles, mumps, and rubella vaccines were administered, two (2) doses of each vaccine shall be administered not less than twenty-eight (28) days apart. A dose of any one (1) of the single antigen vaccines and a dose of another of the single antigen vaccines shall not be administered less than twenty-eight (28) days apart, unless administered on the same day. A dose of MMR, Varicella, one of the single-antigen measles, mumps, and rubella vaccines, or any other live parenteral vaccine shall not be administered less than twenty-eight (28) days apart, unless administered on the same day.
- 144 HEPATITIS B
- 144.1 A student who has not received a primary immunization shall receive a total of three (3) doses. The second dose shall be administered not earlier than four (4) weeks and not later than eight (8) weeks after the first dose. The third dose shall be administered no earlier than eight (8) weeks after the second dose and no earlier than sixteen (16) weeks after the first dose.

- 144.2 Hepatitis B doses administered before the age of seven (7) may satisfy § 144.1, unless administered at less than the required age or minimum interval between each dose.
- 144.3 As an alternative to the requirements of §§ 144.1 and 144.2, an unvaccinated student between eleven (11) and fifteen (15) years of age may receive a two (2) 1mL-dose schedule of ten (10) micrograms per milliliter (mcg/mL) of Recombivax HB given between four (4) and six (6) months apart. This alternative shall apply only for students vaccinated between eleven (11) and fifteen (15) years of age. The first dose shall be administered between eleven (11) and fifteen (15) years of age, and the second dose shall be administered before age sixteen (16). The student's parent or legal guardian shall provide written certification of proper administration of the two (2)-dose schedule to the student's school. The certification shall include correct formulation for both doses administered according to the correct schedule.
- 145 VARICELLA (Chickenpox)
- 145.1 A student under thirteen (13) years of age who has not received primary immunization shall receive one (1) dose of varicella vaccine. Beginning September 1, 2008, a student under thirteen (13) years of age shall receive a second dose of varicella administered at three (3) months and by four (4) months after the previous dose. If the second dose was given twenty-eight (28) days or more after the first dose, then the second dose does not need to be repeated. Varicella shall not be administered within twenty-eight (28) days of receiving a dose of MMR, one of the single-antigen measles, mumps, or rubella vaccines, or any other live parenteral vaccine, unless administered on the same day.
- 145.2 A student thirteen (13) years of age or older who has not previously received a varicella vaccine shall receive two (2) doses administered not less than twenty-eight (28) days and not more than two (2) months apart. Varicella shall not be administered within twenty-eight (28) days of receiving a dose of MMR or one of the single-antigen measles, mumps, or rubella vaccines, unless administered on the same day.
- 145.3 Beginning September 1, 2008, a student thirteen (13) years of age or older who has previously received one (1) dose of varicella vaccination shall receive a second dose not less than twenty-eight (28) days and not more than two (2) months after the previous dose. Varicella shall not be administered within twenty-eight (28) days of receiving a dose of MMR or one of the single-antigen measles, mumps, or rubella vaccines, unless administered on the same day.
- 145.4 Varicella doses administered before the age of seven (7) may satisfy the requirements of §§ 145.1, 145.2, or 145.3, unless given before twelve (12)

months of age or at an interval of less than twenty-eight (28) days between doses.

- 145.5 The varicella vaccination shall not be required for a student who has written certification of infection with varicella that includes either:
- (a) Copy of laboratory report as evidence of varicella disease or immunity to varicella; or
  - (b) A health care provider's diagnosis or verified history of varicella or herpes zoster disease that includes the month and year of the disease.

**IV. A new section 146 is added to read as follows:**

**146 HUMAN PAPILLOMAVIRUS (HPV)**

- 146.1 Beginning September 1, 2009, a female student enrolling in grade six (6) for the first time shall receive the first dose of HPV vaccine at age eleven (11) and by age twelve (12).
- 146.2 The second dose of HPV vaccine shall be administered not less than four (4) weeks after the first dose and by two (2) months after the first dose.
- 146.3 A third dose of HPV vaccine shall be administered not less than twelve (12) weeks after the second dose and by six (6) months after the first dose.
- 146.4 The parent or legal guardian of a student required to receive a vaccine under this section may opt out of the vaccination for any reason by signing a form provided by the Department that states that the parent or legal guardian has been informed of the HPV vaccination requirement and has elected not to participate.

**V. Sections 147 through 154 are amended to read as follows:**

**147 MENINGOCOCCAL**

- 147.1 Beginning September 1, 2009, one dose of quadrivalent meningococcal vaccine shall be administered at eleven (11) years of age and by twelve (12) years of age.
- 147.2 Previous doses of quadrivalent meningococcal vaccine may satisfy § 147.1 unless given before the appropriate age.

- 148 REQUIRED IMMUNIZATIONS FOR STUDENTS EIGHTEEN (18) YEARS OF AGE AND OLDER
- 148.1 The required immunizations for each student eighteen (18) years of age and older, and prior to entry into a school or post high school program shall be as set forth in sections 148 through 152. Doses of immunizations shall be spaced according to these regulations or the recommendations of the federal Advisory Committee on Immunization Practices (ACIP) published after the effective date of these regulations.
- 149 TETANUS, DIPHTHERIA (Td), ACELLULAR PERTUSSIS (Tdap)
- 149.1 A student who has not received primary immunization shall receive three (3) doses of diphtheria-tetanus-containing vaccine. Beginning September 1, 2008, Tdap shall be used for one of the three (3) diphtheria-tetanus-containing vaccines in the series, preferably, the first dose. The first and second doses shall be administered not less than four (4) weeks apart. The third dose shall be administered not less than six (6) months after the second dose.
- 149.2 DTP, DT, DTaP, Td or Tdap doses administered before the age of eighteen (18) may satisfy § 148.1, unless administered before the appropriate age or at less than the required minimum interval between doses. If the last dose of diphtheria-tetanus-containing vaccine was given before four (4) years of age, an additional dose of Td/Tdap shall be administered not less than six (6) months after the previous dose. Beginning September 1, 2008, Tdap shall be used for one (1) dose.
- 149.3 A Td/Tdap diphtheria-tetanus-containing booster dose shall be administered at ten (10) years and by eleven (11) years since the primary series or the last booster. Beginning September 1, 2008, Tdap shall be used for one dose.
- 150 MEASLES, MUMPS, RUBELLA (MMR)
- 150.1 A student born in 1957 or later who has not received primary immunization shall receive two (2) doses of MMR. The second dose shall be administered not sooner than twenty-eight (28) days and not later than two (2) months after the first dose.
- 150.2 MMR administered before the age of eighteen (18) may satisfy § 150.1, unless given before twelve (12) months of age or at less than twenty-eight (28) days between each dose.
- 150.3 If single antigen measles, mumps, and rubella vaccines are used, two (2) doses of each vaccine shall be administered not less than twenty-eight (28)

days apart. A dose of any one (1) of the single antigen vaccines and a dose of another of the single antigen vaccines shall not be administered less than twenty-eight (28) days apart, unless administered on the same day. MMR shall not be administered within twenty-eight (28) days after a dose of varicella or one of the single-antigen measles, mumps, or rubella vaccines, unless administered on the same day.

151 HEPATITIS B

151.1 A student who has not received a primary immunization shall receive a total of three (3) doses of hepatitis B vaccine. The second dose shall be administered not earlier than four (4) weeks after the first dose and not later than eight (8) weeks after the first dose. The third dose shall be administered not earlier than eight (8) weeks and not later than sixteen (16) weeks after the second dose and not earlier than sixteen (16) weeks after the first dose.

151.2 Prior doses of Hepatitis B, including administration of a two (2) dose schedule of Recombivax HB pursuant to § 144.3, may satisfy §151.1, unless administered at less than the required minimum interval between doses.

152 VARICELLA (Chickenpox)

152.1 A student thirteen (13) years of age or older who has not previously received a varicella vaccine shall receive two (2) doses administered not less than twenty-eight (28) days and not more than two (2) months apart. Varicella shall not be administered within twenty-eight (28) days of receiving a dose of MMR or one of the single-antigen measles, mumps, or rubella vaccines, unless administered on the same day.

152.2 Beginning September 1, 2008, a student eighteen (18) years of age or older who has previously received one (1) dose of varicella vaccination shall receive a second dose not earlier than twenty-eight (28) days and not later than two (2) months after the previous dose. Varicella shall not be administered within twenty-eight (28) days of receiving a dose of MMR or one of the single-antigen measles, mumps, or rubella vaccines, unless administered on the same day.

152.3 Varicella doses administered before the age of eighteen (18) may satisfy the requirements of §§ 152.1 or 152.2, unless given before twelve (12) months of age or at an interval of less than twenty-eight (28) days between doses.

152.4 The varicella vaccination shall not be required for a student who has written certification of infection with varicella that includes either:

- (a) A copy of a laboratory report as evidence of varicella disease or immunity to varicella; or
- (b) A health care provider's diagnosis or verified history of varicella or herpes zoster disease that includes the month and year of the disease.

153 MENINGOCOCCAL

153.1 Except as provided in § 153.3, beginning September 1, 2008, each first-year student enrolled in a school of post-secondary education in the District of Columbia and living, or who may live, in on-campus student housing shall receive one (1) dose of meningococcal vaccine.

153.2 A school of post-secondary education in the District of Columbia shall:

- (a) Notify a student eighteen (18) years of age or older or the parent or legal guardian of a student less than eighteen (18) years old, in writing, of the requirement for meningococcal vaccination. Notice shall be given at the time the school accepts a student for admission or when a student registers for classes, if students are not required to apply for admission before registering for courses.
- (b) Include written notice of the requirement for meningococcal vaccination in:
  - (1) Admission acceptance information;
  - (2) Student health-related information and materials;
  - (3) Resident life information and materials;
  - (4) The student handbook; and
  - (5) The college catalog.
- (c) Provide information about the risks of contracting meningococcal disease and about the availability and effectiveness of meningococcal vaccine to:
  - (1) A student eighteen (18) years of age or older who resides in, or may reside in, on-campus student housing; or
  - (2) The parent or legal guardian of a student less than eighteen (18) years of age who resides in, or may reside in, on-campus housing.

- (d) Keep on file in the student's records any waiver form a student submits, or parent or guardian submits on behalf of a student, requesting waiver of the requirements of § 153.1.

153.3 A student eighteen (18) years of age or older, or the parent or legal guardian of a student less than eighteen (18) years of age, may obtain a waiver from the requirements in § 153.1 if the individual submits a form with information stated in § 153.4 to the school of post-secondary education.

153.4 A form requesting waiver of the requirements of § 153.1 shall include the following information:

- (a) A statement that the applicant is:
  - (1) Eighteen (18) years of age or older and applying on his or her own behalf; or
  - (2) The parent or legal guardian of a student who is less than eighteen (18) years of age;
- (b) A statement that the applicant has received and reviewed the information provided by the school of post-secondary education on the risk of contracting meningococcal disease and the availability and effectiveness of meningococcal vaccine;
- (c) A statement that the applicant refuses meningococcal vaccine on his or her own behalf, if the applicant is eighteen years of age or older, or on behalf of a student who is less than eighteen (18) years of age;
- (d) Spaces on the form for the following:
  - (1) The applicant's printed name;
  - (2) The printed name of the student, if the student is different from the applicant
  - (3) The applicant's Signature; and
  - (c) The date of execution of the form.

#### 154 ALTERNATIVE EVIDENCE OF IMMUNITY

154.1 Laboratory evidence of immunity for each vaccine-preventable disease may be accepted in lieu of the required immunizations for each disease described in sections 130 through 153 and may be required in particular

circumstances.

V. A new section 199 is added to read as follows:

199 DEFINITIONS

**Active Immunization** – an immunization that produces protection from a person’s own body rather than transferring immunity from another person.

**Advisory Committee on Immunization Practices (ACIP)**—the advisory body that makes recommendations on the use of vaccines in the United States including age-appropriate immunizations and the proper interval between vaccinations.

**Combination vaccine**—a vaccine that merges into a single product the antigens that prevent different diseases or that protect against multiple strains of infections agents causing the same disease.

**Day**—a calendar day, unless otherwise indicated.

**Department**—the District of Columbia Department of Health.

**Diphtheria tetanus acellular pertussis (DTaP)**—an inactivated vaccine that provides protection from contracting diphtheria, tetanus, and pertussis, containing acellular pertussis in a single dose that is intended for use only in children under seven (7) years of age.

**Diphtheria tetanus whole-cell pertussis (DTP)**—an inactivated vaccine that provides protection from contracting diphtheria, tetanus, and pertussis, containing whole-cell pertussis in a single dose and was intended for use only in children under seven (7) years of age. This vaccine is no longer routinely administered in the United States.

**Health Care Provider**—a person licensed in the District of Columbia to give health care including a Registered Nurse, Medical Doctor, Nurse Practitioner, or Physician Assistant.

**Hib**—an inactivated vaccine to immunize against hemophilus influenza type B.

**Human papilloma virus (HPV)**—an inactivated vaccine that provides protection from contracting certain forms of the human papilloma virus.

**Inactivated polio vaccine (IPV)**—an inactivated vaccine that provides protection from contracting polio that is administered by syringe.

**Live oral polio vaccine (OPV)**—an attenuated, live-virus vaccine containing that is administered orally and provides protection from contracting polio, but may also cause polio in rare cases. This vaccine is no longer routinely administered in the United States.

**Measles mumps rubella (MMR)**—an attenuated, live-virus vaccine containing a

combination of measles, mumps, and rubella viruses.

**Meningococcal vaccine**—an inactivated serigroup-specific quadrivalent meningococcal vaccine against serigroups A, C, Y, and W-135.

**Month**—a period of thirty (30) consecutive days.

**On-campus student housing**—housing provided to students, regardless of the fee, that is owned, rented, or contracted for and operated by a school of post-secondary education, or through written agreement, with an agent of the school of post-secondary education.

**PCV-7**—an inactivated heptavalent pneumococcal conjugate vaccine composed of purified polysaccharides of seven (7) serotypes (C4, 6B, 9V, 14, 18C, 19F, and 23 F).

**Primary immunization**—the initial series of immunizations a child receives at age-appropriate intervals excluding booster doses.

**Student**—a child enrolled in a public, private, parochial, or charter school in the District of Columbia or a child enrolled in a child development center in the District of Columbia.

**Tetanus diphtheria-containing (Td-containing)**—an inactivated vaccine that contains at least tetanus and diphtheria toxoids and provides protection from contracting diphtheria and tetanus in a single dose that is intended for children over seven (7) years of age.

**Tetanus diphtheria acellular pertussis (Tdap)**—a vaccine that provides protection from contracting tetanus, diphtheria, and pertussis, containing acellular pertussis in a single dose that is intended for children over seven (7) years of age.

**Undervaccinated**—the circumstance of having received an incomplete immunization series.

**Unvaccinated** – the circumstance of having received no immunizations in an antigen series.

Persons desiring to comment on these proposed rules should submit comments in writing to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of these proposed rules and related information may be obtained between 8:30 A.M. and 5:00 P.M. Monday through Friday, excluding holidays, at the address stated above.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PROPOSED RULEMAKING**

**Z.C. Case No. 07-33**

**(Text Amendment – 11 DCMR)**

**Off-premises alcoholic beverage sales as a permitted accessory use - Reed-Cooke Overlay**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend Chapter 14 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR)). The proposed amendment would recognize off-premises alcoholic beverage sales within the Reed-Cooke Overlay District as an accessory use to a grocery store or similar use, and would allow that accessory use as a matter of right.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register

The following rulemaking action is proposed:

Title 11 (DCMR), Chapter 14, REED-COOKE OVERLAY DISTRICT, § 1401.1(b), is amended as follows (new text is shown in **bold and underline**):

- (b) Off-premises alcoholic beverage sales **as a principal use; except that off-premises alcohol sales shall be permitted as an accessory use to a grocery store or other similar permitted use;**

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200/210-s, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. Copies of this proposed rulemaking may be obtained at cost by writing to the above address. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**